



UNITED STATES
PATENT AND
TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY
AND DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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DEC - 9 2002

PILLSBURY WINTHROP, LLP
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In re Application of :
Anatoly Dritschilo et al :
Serial No.: 09/382,794 : PETITION DECISION
Filed: August 25, 1999 :
Attorney Docket No.: 010091-041 :

This is in response to the petition under 37 CFR 1.181, filed October 4, 2002, to withdraw the abandonment of the above identified application based on non-receipt of an Office action.

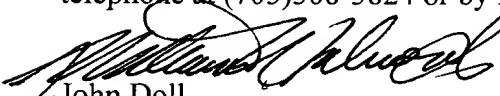
A review of the file history shows that the examiner mailed an Office action to applicants on October 4, 2001, setting a three month shortened statutory period for reply. A reply thereto was received on December 18, 2001. The reply was deemed not to comply with the requirements of 37 CFR 1.121 and a Notice of Non-Compliant Amendment was mailed to applicants setting a one month time period for correcting the error. The Notice appears to have been mailed on January 14, 2002, as is handwritten on the form letter. However it is unclear whether the form was attached to a mail cover sheet and actually mailed. Upon failure to receive a reply a Notice of Abandonment was mailed to applicants on September 27, 2002. Applicants state that the Notice was never received and provide statements of non-receipt and docket record evidence which fails to show receipt thereof. In view of applicants' statements and evidence presented, the Notice of Abandonment is hereby withdrawn and the application restored to pending status with the mailing of this decision.

Applicant's petition is **GRANTED**.

As applicants have obtained a copy of the Notice of Non-compliance and provided a correcting amendment, the application will be forwarded to the examiner for further consideration.

Applicants' request to make the application special does not comply with the requirements set forth in M.P.E.P. 708.03.

Should there be any questions with respect to this decision, please contact William R. Dixon, Jr., by mail addressed to: Director, Technology Center 1600, Washington, D.C. 20231, or by telephone at (703)308-3824 or by facsimile transmission at (703) 308-7230.


John Doll
Director, Technology Center 1600